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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,154	09/26/2003	Richard Zodnik	155681-0031	8113

1622 7590 05/04/2005
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EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,154

Applicant(s)

ZODNIK, RICHARD

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-17,19-21,23-29,31-37,39-41,43-49,51-57,59-61,63-69,71-77,79 and 80 is/are rejected.
- 7) ☒ Claim(s) 2,10,18,22,30,38,42,50,58,62,70 and 78 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1- are rejected under 35 U.S.C. 103(a) as being unpatentable over DeFino (US 6,104,783) in view of McCalmont et al. (US 2004/0184584 A1, hereinafter "McCalmont").

Regarding claim 1, 9, 17, 21, 29, 37, 41, 49, 57, 61, 69, 77, DeFino discloses a locator for a wireless communication device that has a device identification (portable transmitter 121 has its own identification number; col. 4, lines 25-27; col. 9, lines 57-58), the locator can be coupled to an outlet box that is mounted to a wall and has a physical location (wireless receiver 113 is coupled to a wired telephone 103 and telephone wiring 111 via a telephone jack; col. 4, lines 43-47; col. 7, lines 49-50), comprising:

a housing that is coupled to the outlet box (see housing of receiver 113; Figure 3);

a transceiver (receiver 113, depicted as 201 in Figure 8, wirelessly receives data identifying the particular portable transmitter from portable transmitter 121 via antenna 211; col. 4, lines 53-61; col. 6, lines 62-65; col. 4, lines 25-29; col. 6, lines 42-44); and

a circuit that is coupled to said transceiver and contains a stored locator address and transmits said stored locator address and the device identification (receiver 113 transmits identifying data which identifies the particular transmitter and locating information which

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identifies the location of the wireless receiver to a data processing system 510 via telephone lines 111; col. 4, lines 24-39).

DeFino differs from claims 1, 9, 17, 21, 29 37, 41, 49, 57, 61, 69, 77 in that it does not specify the data processing system as including a server. However, since DeFino is directed to reporting personal alarms, and McCalmont teaches the desirability of reporting personal alarm information to an emergency service complex 216, which includes a database 264 and server 256 (page 2, paragraphs 13-15; page 5, paragraph 41 – page 6, paragraph 42), such that it would have been obvious to an artisan of ordinary skill to incorporate such reporting to a server with a relational database, as taught by McCalmont, within the system of Defino in order to conveniently deliver emergency information, including location information, to an external server for use by the appropriate PSAP.

Regarding claims 3, 11, 19, 23, 31, 39, 43, 51, 59, 63, 71, 79, McCalmont provides for receiving the emergency call as a 9-1-1 call (page 8, paragraph 66).

Regarding claims 4, 12, 24, 32, 44, 52, 64, 72, receiver 201 includes a controller 215 with memory (Figure 8; col. 9, lines 8-10).

Regarding claims 5, 13, 25, 33, 45, 53, 65, 73, receiver 201 includes a receiving antenna 211 and a transmitting antenna 220 (Figure 8).

Regarding claims 6-7, 14-15, 26-27, 34-35, 46-47, 54-55, 66-67, 74-75, telephone interface 231 comprises telephone jacks and wiring (Figure 8; col. 7, lines 48-54).

Regarding claims 8, 16, 20, 28, 36, 40, 48, 56, 60, 68, 76, 80, receiver 113/201 retransmits identifying information received from transmitter 121 to a data processing system via telephone lines 111 (col. 4, lines 4-65).

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Allowable Subject Matter

3. Claims 2, 10, 18, 22, 30, 38, 42, 50, 58, 62, 70, 78 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

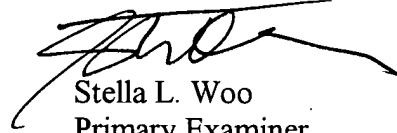
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stanners and Walsh et al. show identifying the location of a wireless 911 call via a fixed locator device. Moody et al. ('567) show a module 24, connected to an outlet box 26, for sending location information to a PSAP. Moody et al. ('630), Savaglio et al. and Oran et al. show sending location data to a location database.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stella L. Woo
Primary Examiner
Art Unit 2643